

Marc again "on Monday" (July 1, 2013) because "they may need some money for attorneys for me, because they've locked up everything that I have, ok?" Freeman agreed. DION went on to tell Freeman, "I got stopped, and I was carrying money, and that's what I'm charged with." Freeman responded, "Ok." DION then stated, "No drugs, so uh, we should be ok, I don't know. But give Marc a call Monday, see if he needs any help from you." Freeman asked if DION needed anything or if he wanted Freeman to "go someplace?" DION cut Freeman off by saying, "Nope, nope, nope, nope. Ok. This is not, this is not, wait a minute, this is not a secure phone so I can't talk with you." Freeman replied, "Ok" and asked for further directions about with whom he should talk on Monday. DION told Freeman to call Marc on Monday and "ask him what the procedure is," and Freeman responded that he would.

PROBABLE CAUSE

25. This section of my Affidavit is divided into two parts that set forth probable cause as to 1) the Target Telephone, Target Laptop Computer, Target GPS Device and the Target Storage Devices seized incident to the arrest of DION and the search of his truck; and 2) Target Location and the Target Computer believed to be located at the Target Location.

26. Based on the investigation to date, I believe that the Target Telephone, Target Laptop Computer, Target GPS Device, and Target Storage Devices seized from DION and his truck at the time of his arrest as well as the Target Location and Target Computer likely contain evidence of drug trafficking and money laundering activities, such as contact information for co-conspirators, communications made in furtherance of the conspiracy, financial records, and photographs of co-conspirators. In addition, based on my training and experience, I know that drug distributors frequently maintain records of their drug business such as ledgers, contact lists, price sheets, and related documents. As set forth herein, there is probable cause to believe that

DION maintained such records on the items sought to be searched.

PART ONE: Target Telephone, Target Laptop Computer, Target GPS Device, and Target Storage Devices seized incident to the arrest of Marshall DION and the search of his truck (1B43, 1B44, 1B45, 1B49, 1B51, 1B52, 1B53).

27. The evidence seized from DION's truck at the time of his arrest and the recorded jail calls DION placed to Dennis Ditelberg, Jeanette Leighton, and co-defendants Freeman and Landolfi show that DION used electronics to facilitate and conduct his drug trafficking business.

Target Telephone (1B43)

28. On August 2, 2013, DION called Jeanette Leighton from jail, which was recorded. Leighton is a CPA who resides in Pennsylvania and was romantically involved with DION prior to his arrest. As indicated above, DION told Officer Blake that he had driven to Yardley, Pennsylvania from Tucson to meet with his CPA. During the call, DION told Leighton he needed another "favor," and that he was going to owe her his "life" for her help. DION asked Leighton to call "AT&T mobile" to put "all" his "numbers on hold." DION specifically instructed Leighton to cancel the phone service, but not the numbers. Leighton agreed and told DION, "I've raised the cash." DION immediately cut Leighton off and told her he could not talk on the phone.

29. Again on August 6, 2013, DION called LEIGHTON and asked if she had "success with AT&T." Leighton replied that she had put "both lines," one which was a "data line," on hold. DION spoke cautiously and avoided saying his phone number over the call that he knew was being recorded. It was clear from the calls that Leighton knew the numbers to which DION was referring and did not ask for them. DION told Leighton she should have canceled the "480 number" because he was no longer going to "use that," but instead he was

"going to use a different method." I know that "480" is an area code for the Tucson, Arizona area.

30. Page one of Exhibit 4 contained three different phone numbers for "M Dion" or "MH Dion." None of the numbers had a 480 area code.

31. Pages two and five of Exhibit 4 contained multiple entries for Leighton, including phone numbers, two Pennsylvania street addresses, an email address and a phone number and street address for Glenmede Trust Co., the accounting firm where Leighton is employed.

32. Exhibit 4 also included phone numbers and street addresses for co-defendants Glenn Freeman and Billy Landolfi, unindicted co-conspirator Eddie Weisberg, Dennis Ditelberg and Marc Cantor. The list also contained the phone numbers and addresses for a number of businesses, including the law firm Callas, Felopulos & Ditelberg, Comeau's Mini Storage, and Ina Road Self Storage.

33. Target Telephone is an Apple Iphone 4, which I know has "smart phone" capabilities, including the ability to connect to the Internet, take and store photographs, send and receive email and text messages, and store contact information, such as phone numbers and addresses. I also know that the Target Telephone is capable of operating as a GPS device with certain applications that can be downloaded from the Internet.

Target Laptop Computer (1B45) and Target Storage Devices (1B49, 1B51-53)

34. The documents seized from DION's truck show that since at least 2001, DION extensively documented his travels between Boston and Tucson. An Examination of Exhibits 1-5 indicates that these documents were created using a computer. For example, a number of the travel log pages (Exhibit 1) contain file names in the headers and/or footers, indicating the documents were created using computer software. The header "TUS-BOS-TUS_Tripinfo.wpd"

appears on a number of pages of Exhibit 1, indicating that the document was saved under this title in a computer or storage device.

35. Additionally, Exhibit 4 contains the footer, "Printed with ACTI 2000 for Windows," which indicates it was created using computer software. The document is a table containing columns with titled cells that were populated with corresponding information, such as name, address, email address and phone numbers. The document also had a footer with the date "Tuesday, May 29, 2007," which appears on each page.

36. Moreover, two pages of Exhibit 5, titled "GMC 2002 MILEAGE BOS-TUS," contain columns of detailed information documenting DION's trips in what appears to be a computer generated document. Three pages each have footers that read, "Form Location GMC 2002 Mileage Sheet B." The fourth page of Exhibit 5 appears to be a working document with handwritten notations in columns that have the same titles as the other three pages of Exhibit 5. The date at the top of this page indicates that the document was created on "06/10/13." The handwritten entries detail, among other things, the mileage accrued on a trip that appears to have begun on June 14 (2013). The last entry was "June 18," the date DION was arrested. I believe DION took handwritten notes during his trips and entered the data into a computer document once he arrived at his destination.

Target GPS Device (1B44)

37. Exhibits 1-5 reveal that DION traveled frequently between Boston, Pennsylvania, and Tucson. Exhibits 1 and 2 indicate that DION exercised caution when traveling to avoid law enforcement detection. As detailed above, during the car stop, DION told Officer Blake he had driven from Tucson to Yardley, Pennsylvania, then to Boston, and was driving back to Tucson when he was stopped in Kansas. The Target GPS Device seized from DION's truck is capable

of storing historical information about routes traveled and destination addresses entered into the device by the operator. This historical information could assist law enforcement identify other conspirators involved in the charged conspiracy and storage locations used by DION.

38. On June 28, 2013, DION called Ditelberg and Cantor's office. DION told Cantor that he was "trying to get a hold of Billy (Landolfi)." Cantor told DION that the "FBI" was just in their office. DION sighed and asked to speak to Ditelberg. Ditelberg told DION, "I had some visitors here." DION said that Cantor had told him as much. Ditelberg told DION the agents were asking about "money laundering" and that he (Ditelberg) would "stall them." Ditelberg also told DION that the agents had his "log" that showed when DION was "in and out of the office." After much discussion about the log and what information it contained, DION insisted he did not keep a "daily" log about where he went in Boston.

39. DION asked Ditelberg what the "guys" wanted from him. Ditelberg explained that the agents asked about the trust and about DION. Ditelberg told DION that he told the agents he "had no idea what [DION's] activities were." DION told Ditelberg, "Billy said he'd be in touch with you." DION then went back to discussing the log, claiming it was only a "travel" log that documented his travels across the country and that he would "log in" when he arrived in Boston and "log in" when he left. Ditelberg said he thought the log contained information about where DION "went at particular times." DION said, "No. That doesn't exist. I wouldn't keep anything like that. When I'm in town I don't keep anything about where I go." DION told Ditelberg that the FBI agents were "baiting" him. DION continued to assure Ditelberg that he did not keep a log that detailed places he visited in Boston. I believe Ditelberg was concerned that FBI agents had a log that revealed certain locations DION frequented during his trips to Boston because those locations would lead to evidence of DION's illegal activities. I believe the

Target GPS Device contains evidence that will explain why Ditelberg was so concerned that the FBI had a log which documented the specific locations DION visited while in the Boston area.

40. Based on the investigation to date and evidence gathered, I believe that the Target Telephone, Target Laptop Computer, Target GPS Device and the Target Storage Devices found in DION's truck at the time of his arrest will contain evidence of the Target Offenses because the evidence detailed herein indicates that they were used by the defendant in furtherance of the conspiracy for which he is charged. I believe there is probable cause to believe that the Target Telephone will also contain, for example, recently called telephone numbers, pictures of co-conspirators, address books, contact information, and other information that is evidence of the charged offenses, such as emails and text messages. I believe there is probable cause to believe that the Target Laptop Computer and Target Storage Devices will contain evidence of the Target Offenses, including but not limited to address books, contact information for DION's drug customers and suppliers, documents and records of DION's travels, financial account information, drug ledgers and information about properties DION owned and used in furtherance of the Target Offenses. I further believe there is probable cause to believe that the Target GPS Device contains evidence of the Target Offenses, including specific locations to which DION traveled in and around Boston and between Boston and Tucson. This information will assist agents in identifying additional participants in the charged conspiracy and will provide direct evidence of the Target Offenses.

PART TWO: The Target Location and Target Computer.

41. As indicated below, DION used the Target Location to conduct "business" during his monthly trips to Boston from Tucson and that he used the Target Computer while at the Target Location. Both Ditelberg and Cantor confirmed to FBI agents that the Target Computer

is not and never has been connected to the law firm data base or to any network where client files are stored, and that the Target Computer was only used by DION.¹ Ditelberg also confirmed to FBI agents that no client files or attorney-client privileged information is stored in the Target Location. To be clear, the scope of the warrants requested is limited to the office space and files used by DION and to the Target Computer, and does not extend to any offices or client files maintained by the law firm Callas, Felopulos & Ditelberg LLP. The Target Location was used by DION with the consent of the law firm Callas Felopulos & Ditelberg LLP.

DION asked a co-conspirator to bring a "box," believed to contain drug proceeds to the Target Location.

42. On June 28, 2013, DION placed a recorded jail call to William Landolfi, whom DION addressed as "Billy." DION asked Landolfi, "Did Dennis talk to you?" I believe that DION was referring to Dennis Ditelberg. Landolfi responded, "Yes." DION said, "Ok, can you, can you get that thing to Dennis for me?" After a short pause Landolfi responded, "I'll take care of everything." DION responded, "Ok, I appreciate it, thank you very much." DION told Landolfi that Ditelberg would "fill [him] in" and promised to talk to Landolfi later. Landolfi asked DION if he was "ok," and DION responded by saying, "Yep, yep, oh no, I'm ok, but, but, I'm uh, you know, I'm in the, you know right now I'm in the . . . locked up, and that thing that, that thing that uh, er, uh, that box that you have of mine . . . I want you to give that to Dennis. Ok?" Landolfi responded, "I understand, I understand, I understand." I believe that DION was using coded language to direct Landolfi to bring a box containing drug proceeds to Ditelberg.

43. Later on June 28, 2013, DION called Ditelberg again and gave Ditelberg Landolfi's phone number. DION told Ditelberg that Billy would "come through for me" because

¹ Interestingly, Ditelberg offered to surrender the Target Computer to the FBI and to allow agents to search the Target Location. I informed Ditelberg that the government intended to seek a search warrant prior to conducting the searches or taking possession of any items.